

REMARKS

Claims 1 – 7 and 9 – 31 remain in the application and stand finally rejected. Claim 8 is previously canceled. Claims 1, 6, 7 and 25 – 29 are amended by this proposed amendment. Although this Amendment is being timely filed, the Commissioner is hereby authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2197.

The proposed amendment to independent claims 1, 28 and 29 is to better recite the invention, and is supported by the specification as filed, and especially, Figures 3 and 4. No new matter is added by this proposed amendment.

It is asserted that claims 1, 2, 4 – 7 and 26 are unpatentable under 35 U.S.C. §103(a) over the combination of U.S. Patent No. 6,643,517 to Steer in view of U.S. Patent No. 6,389,288 to Kuwahara et al. It is further asserted that claims 3, 9 – 25 and 27 – 31 are unpatentable under 35 U.S.C. §103(a) over the combination of Steer and Kuwahara et al., in further view of GB 2354407A to Rafael. The final rejection is respectfully traversed.

Steer teaches using mobile station location information for interference protection. The mobile radio system designates protected region boundaries within which mobile radios are to restrict operations. A protection broadcast information server 8 stores the information specifying protected region boundaries and conditions of restricted operation. This information is broadcast at regular intervals on broadcast control channels by base stations covering or near the protected regions. *See, e.g.*, col. 4, line 46 – col. 5, line 62. Mobile stations within range of these base stations receive this information before making any transmissions. Prior to transmission, each mobile station uses a “location finding” technique to determine its location, and compares its measured location to the protected region boundaries to determine whether or not it is inside a protected region. *See, e.g.*, col. 7, lines 24 – 37. If it is within a protected region, the mobile station constrains its own operation according to the restrictions broadcast for that protected region (e.g. low power operation or no audible ringing). *See, e.g.*, col. 7, lines 37 – 41.

Thus, very clearly, each Steer mobile station determines whether its control is modified, while the Steer base station only notifies equipped (as in Steer Figure 2) mobile stations that the location is protected. Further, since a typical state of the art mobile station, equipped other than Steer Figure 2, would operate unconstrained regardless of location, at least as far as the applicants can tell. Thus, it is not the Steer system that restricts mobile unit features, but the Steer mobile units themselves that self-restrict features.

Kuwahara et al. teaches a mobile communication terminal that “includes: a reported location information detecting unit for detecting reported location information from a base station; ... (and) a registered process executing unit for executing, ..., a predetermined process that corresponds to the reported location information producing the match.” Abstract. Again, with Kuwahara et al., it is the mobile units that execute the process, not the system.

Rafael teaches a system that includes a dedicated terminal 22 that is designed to act separately from the base stations B1, B2, BN. The dedicated terminal communicates instructions to mobile units 3 communicating with system base stations B1, B2, BN, that instruct the mobile units 3 how to operate in a protected area. *See, e.g.*, page 3, lines 17 – 23. Once again, it is the mobile stations/units that make the determination, not the system. Consequently, all three references teach the mobile stations making the determination whether and how to respond to an incoming/outgoing communication.

By contrast a preferred embodiment system of the present invention makes the determination whether any connected mobile unit is even notified of incoming calls or allowed to connect. *See, e.g.*, page 3, line 22 – page 4, line 17, page 4, line 21 – page 5, line 24, and page 6, line 6 – page 7, line 6. Further, once the decision to allow connection is made, the preferred embodiment system makes the determination how the connecting mobile unit responds, e.g., ring, vibrate or silent notification. *Id.* Thus, claims 9 and 30 recite “determining which ... [terminal] is associated with an incoming communication, and ... connected to a base station ...; accessing, ... [a] database ... governing restriction on the base station ...; and activating the [terminal] ... if allowed,” Applicants note that an inactive terminal, generally, would not determine whether to activate itself. Similarly, claims 17 and 31 recite “accessing ... [a]

database ... in response to the base station receiving a signal from a terminal associated with a request for an outgoing communication ... ; and connecting the terminal ... if allowed,” Further, as noted hereinabove, the proposed amendment amends claims 1, 28 and 29 to more affirmatively recite this difference as well.

Therefore, since the references all teach mobile units making the decision whether and how to connect rather than the system, the cited references could not be combined to result in the present invention as recited in finally rejected independent claims 9, 17, 30 or 31, or in proposed amended finally rejected independent claims 1, 28 or 29. Entry of the amendment, reconsideration and withdrawal of the final rejection of independent claims 1, 9, 17, and 28 – 31 over the combination of Steer and Kuwahara et al. alone, or in further view of Rafael, under 35 U.S.C. §103(a) is respectfully solicited.

Furthermore, because dependent claims include all of the differences with the references as the claims from which they depend, the combination of Steer with Kuwahara et al. alone, or in further combination with Rafael does not result in the present invention as recited in claims 2 – 7, 10 – 16 and 18 – 27, which depend from claims 1, 9 and 17. Reconsideration and withdrawal of the final rejection of claims 2 – 7, 10 – 16 and 18 – 27 under 35 U.S.C. §103(a) is respectfully solicited.

The applicants have considered the other references cited but not relied upon and find them to be no more relevant than the references upon which the Examiner relied for the final rejection.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the proposed amendment to place the application in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicants respectfully request that the Examiner enter the amendment, reconsider and withdraw the rejection of claims 1 – 7 and 9 – 31 under 35 U.S.C. §103(a) and allow the application to issue.

Should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the telephone number listed below for a telephonic or personal interview to discuss any other changes.

Respectfully submitted,

July 27, 2005
(Date)

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830
(732) 321-3013

Francis Montgomery
Francis G. Montgomery
Registration No. 41,202